

United States District Court
Eastern District of California

United States of America,

Plaintiff, No. 04-74 LKK

vs.

Milton Henry Carter, Detention Order (Violation of

Pretrial Release, Probation or

Supervised Release)

Defendant.

-00o-

After a hearing pursuant to 18 U.S.C. § 3148
(violation of pretrial release order), the court
finds:

There is probable cause to believe the person
has committed a federal, state or local crime
while on release and the defendant has not
rebutted the presumption that his release will
endanger another or the community or

There is clear and convincing evidence that
the defendant has violated another condition
of release and

based on the factors set forth in 18 U.S.C. §
3142 (g) there is no condition or combination
of conditions of release that will assure that
the defendant will not flee or pose a danger

to the safety of another person or the community or

the person is unlikely to abide by any condition or combination of conditions of release. F.R.Cr.P. 32.1(a)(D), 46(c), 18 U.S.C. § 3148.

Pursuant to F.R.Cr.P.32.1(a) and 46(c) and 18 U.S.C. § 3143 (violation of probation or supervised release) the court finds defendant has not met his burden of establishing by clear and convincing evidence that he will not flee or pose a danger to another person or to the community.

IT IS ORDERED that pursuant to 18 U.S.C. § 3142(I)(2)(4) defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with his counsel. Upon further order of a court of the United States or request of an attorney for the United States the person in charge of the corrections facility in which defendant is confined shall deliver defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated: August 8, 2005.

/s/ Peter A. Nowinski
Peter A. Nowinski
Magistrate Judge